

Notice of Allowability

Application No.

09/587,653

Examiner

Bao Qun Li

Applicant(s)

SANGAR ET AL.

Art Unit

1648

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed on Feb. 12, 2007.
2. ☒ The allowed claim(s) is/are 19-21, 29-33 and 56-72.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date <u>03/14/2007</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |

Bao Qun Li

EXAMINER'S AMENDMENT

The amendment and response filed on Feb. 28, 2007 have been acknowledged. The amendment has been entered. Claims 51-55 have been canceled. In summery, claims 19-21, 29-33 and 56-72 are pending and considered.

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in telephone interviews with Charles P. Landram on March 07 & 17, 2007.

The application has been amended as follows:

Claim 19 (current amended) : In line 1 before "virus" please insert --- recombinant or chimeric GBV-B --- In line 5 after "condition" please delete "permitting" and insert --- where the 3' terminal sequence permits --- In line 5 after "production" please delete "a" and insert --- the ---

Claim 29 (current amended): In line 1, please delete "28" after claim and insert ---19 ---

Claim 57 (current amended): In line 3 before "at" please delete "is" and insert --- has ---
In line 4 after "70%" please delete "identical" and insert --- sequence identity ---

Claim 63 (current amended): In line 1 before "at" please delete "is" and insert --- has ---
In line 2 after "80%" please delete "identical" and insert --- sequence identity ---

Claim 64 (current amended): In line 1 before "at" please delete "is" and insert --- has ---
In line 2 after "90%" please delete "identical" and insert --- sequence identity ---

Claim 65 (current amended): In line 1 before "at" please delete "is" and insert --- has ---
In line 2 after "95%" please delete "identical" and insert --- sequence identity ---

Claim 67 (current amended): In line 1 before "virus" please insert --- recombinant or chimeric GBV-B --- In line 3 before "at" please delete "is" and insert --- has --- In line 4 after "70%" please delete "identical" and insert --- sequence identity --- In line 5 after "conditions" please delete "permitting" and insert --- where the 3' terminal sequence permits --- In line 5 after "production" please delete "a" and insert --- the ---

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Claim 68 (current amended): In line 1 before "virus" please insert --- recombinant or chimeric GBV-B --- In line 3 before "at" please delete "is" and insert --- has --- In line 4 after "70%" please delete "identical" and insert --- sequence identity --- In line 5 after "conditions" please delete "permitting" and insert --- where the 3' terminal sequence permits ---

Claim 69 (current amended): In line 1 before "at" please delete "is" and insert --- has --- In line 2 after "80%" please delete "identical" and insert --- sequence identity ---

Claim 70 (current amended): In line 1 before "at" please delete "is" and insert --- has --- In line 2 after "90%" please delete "identical" and insert --- sequence identity ---

Claim 71 (current amended): In line 1 before "at" please delete "is" and insert --- has --- In line 2 after "95%" please delete "identical" and insert --- sequence identity ---

Claims 19-21, 29-33, 56-72 are allowed.

2. The following is an examiner's statement of reasons for allowance: Establishment of a consistent replicating GBV-B or chimeric GBV-B virus clone in a host cell in vitro or in vivo has always been hurdled for some unknown reasons. The claimed invention is directed to a method for establishing such infection system comprising use of a unique chimeric GBV-B construct, wherein the GBV-B virus is a full-length clone that comprises a previously unreported 3' terminal sequence or a GBV-B viral genome comprises at least 3' terminal sequence fragment thereof in the construct. The recombinant or chimeric GBV-B virus made by such method can be rescued as an infectious and continuously replicating viral particle. Prior to the current application originally filed on June 04, 1999, no prior art teaches or suggests the claimed method.

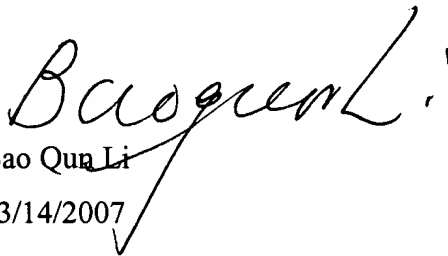
3. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bao Qun Li whose telephone number is 571-272-0904. The examiner can normally be reached on 6:30 am to 3:30 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce Campell can be reached on 571-272-0974. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Bao Qun Li
03/14/2007


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